

AMENDED IN ASSEMBLY MAY 22, 1998
AMENDED IN ASSEMBLY MARCH 12, 1998

CALIFORNIA LEGISLATURE—1997–98 REGULAR SESSION

ASSEMBLY BILL

No. 1686

**Introduced by Assembly ~~Member Murray~~ Members
Wildman, Havice, Hertzberg, and Murray
(Coauthors: Assembly Members Baca, Gallegos, ~~Havice,~~
~~Honda, Knox, Kuehl, Napolitano, Wildman,~~ and Wright)
(Coauthor: Senator Watson)**

January 16, 1998

An act to amend Sections 163, 164, and 167 of, and to repeal Sections 215.5 and 215.6 of, the Streets and Highways Code, relating to highways.

LEGISLATIVE COUNSEL'S DIGEST

AB 1686, as amended, ~~Murray~~ *Wildman*. Highways: soundwalls.

Existing law requires that all transportation funds that are available to the state be expended according to specified priorities. Twenty-five percent of the balance available after deducting expenditures for those priorities is required to be available for interregional capital improvement projects and 75% of that balance is required to be available for regional capital improvement projects, both of which are programmed in the state transportation improvement program. The funds made available for regional projects are required to be used for, among other things, soundwall projects.

Existing law requires the Department of Transportation to develop and implement a system of priorities for ranking the need for retrofit of soundwalls along freeways.

This bill would require that *50% of the* expenditures for retrofitting the soundwalls on a specified priority list established by the department on May 3, 1989, be funded prior to making state transportation funds available for interregional and regional capital improvement projects in the state transportation improvement program. *The bill would prohibit the expenditure of funds provided for any project in the soundwall retrofitting program unless a match of 50% of the design and construction costs for that project is provided from local funding sources.* The bill would provide that soundwall—~~retrofit~~—*retrofitting* projects on the department's priority list would not be funded as regional soundwall projects.

This bill would repeal the requirement that the Department of Transportation develop and implement a system of priorities for ranking the need for the installation of soundwalls along freeways; and *would* make a related change.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 163 of the Streets and Highways
- 2 Code is amended to read:
- 3 163. The Legislature, through the enactment of this
- 4 section, intends to establish a policy for the use of all
- 5 transportation funds that are available to the state,
- 6 including the State Highway Account, the Public
- 7 Transportation Account, and federal funds. The
- 8 department and the commission shall prepare fund
- 9 estimates pursuant to Sections 14524 and 14525 of the
- 10 Government Code based on the following:
- 11 (a) Annual expenditures for the administration of the
- 12 department shall be the same as the most recent Budget
- 13 Act, adjusted for inflation.
- 14 (b) Annual expenditures for the maintenance and
- 15 operation of the state highway system shall be the same

1 as the most recent Budget Act, adjusted for inflation and
2 inventory.

3 (c) Annual expenditure for the rehabilitation of the
4 state highway system shall be the same as the most recent
5 Budget Act, or, if a long-range rehabilitation plan has
6 been enacted pursuant to Section 164.6, it shall be based
7 on planned expenditures in a long-range rehabilitation
8 plan prepared by the department pursuant to Section
9 164.6.

10 (d) Annual expenditures for local assistance shall be
11 the amount required to fund local assistance programs
12 required by state or federal law or regulations, including,
13 but not limited to, railroad grade crossing maintenance,
14 bicycle lane account, congestion mitigation and air
15 quality, regional surface transportation programs, local
16 highway bridge replacement and rehabilitation, local
17 seismic retrofit, local hazard elimination and safety, local
18 federal demonstration projects, and local emergency
19 relief.

20 (e) Annual expenditures for the ~~soundwall—retrofit~~
21 *retrofit soundwall* program shall be 50 percent of the
22 amount required to complete by July 1, ~~2002~~ 2004, the
23 design and construction of the soundwalls included on the
24 May 3, 1989, priority list established by the department
25 pursuant to Section 215.5. Notwithstanding any other
26 provision of law, the department may recommend to the
27 commission that a soundwall project be deleted from the
28 list, and the commission, based upon that
29 recommendation, may delete the project if it determines
30 the project is not cost effective, and the deletion of the
31 project will not negatively impact the public health,
32 safety, and welfare.

33 (f) After deducting expenditures for administration,
34 operation, maintenance, local assistance, safety,
35 rehabilitation, and ~~soundwall—retrofit~~ *retrofit soundwalls*
36 pursuant to subdivisions (a), (b), (c), (d), and e, and for
37 expenditures pursuant to Section 164.56, the remaining
38 funds shall be available for capital improvement projects
39 to be programmed in the state transportation
40 improvement program.

1 SEC. 2. Section 164 of the Streets and Highways Code
2 is amended to read:

3 164. (a) Funds made available for transportation
4 capital improvement projects under subdivision (f) of
5 Section 163 shall be programmed and expended for the
6 following program categories:

7 (1) Twenty-five percent for interregional
8 improvements.

9 (2) Seventy-five percent for regional improvements.

10 (b) Sixty percent of the funds available for
11 interregional improvements under paragraph (1) of
12 subdivision (a) shall be programmed and expended for
13 improvements to state highways that are specified in
14 Sections 164.10 to 164.20, inclusive, and that are outside
15 the boundaries of an urbanized area with a population of
16 more than 50,000, and for intercity rail improvements.

17 (c) Not less than 15 percent of the amount of funds
18 programmed under subdivision (b) shall be programmed
19 for intercity rail improvement projects, including
20 separation of grade projects.

21 (d) Funds made available under paragraph (1) of
22 subdivision (a) shall be used for transportation
23 improvement projects that are needed to facilitate
24 interregional movement of people and goods. The
25 projects may include state highway, intercity passenger
26 rail, mass transit guideway, or grade separation projects.

27 (e) Funds made available under paragraph (2) of
28 subdivision (a) shall be used for transportation
29 improvement projects that are needed to improve
30 transportation within the region. The projects may
31 include, but shall not be limited to, improving state
32 highways, local roads, public transit, intercity rail,
33 pedestrian, and bicycle facilities, and grade separation,
34 transportation system management, transportation
35 demand management, soundwall projects not included
36 on the May 3, 1989, ~~soundwall-retrofit~~ *retrofit soundwall*
37 priority list established by the department pursuant to
38 Section 215.5, intermodal facilities, and safety.

39 (f) *Funds provided for any project in the retrofit*
40 *soundwall program under subdivision (e) of Section 163*

1 *may not be expended unless a match of 50 percent of the*
2 *design and construction costs for that project is provided*
3 *from local funding sources.*

4 SEC. 3. Section 167 of the Streets and Highways Code
5 is amended to read:

6 167. (a) Funds in the State Highway Account in the
7 State Transportation Fund shall be programmed,
8 budgeted subject to Section 163, and expended to
9 maximize the use of federal funds and shall be based on
10 the following sequence of priorities:

11 (1) Operation, maintenance, and rehabilitation of the
12 state highway system.

13 (2) Safety improvements where physical changes,
14 other than adding additional lanes, would reduce
15 fatalities and the number and severity of injuries.

16 (3) ~~Soundwall retrofit~~ *Retrofit soundwalls*, as specified
17 in subdivision (e) of Section 163.

18 (4) Transportation capital improvements that expand
19 capacity or reduce congestion, or do both.

20 (5) Environmental enhancement and mitigation
21 programs.

22 (b) With respect to the funds in the State Highway
23 Account, in the Public Transportation Account, and in
24 the Passenger Rail Bond Fund, the proposed budget shall
25 be organized on a program basis. The proposed budget
26 shall list the proposed expenditures for the transportation
27 program under the following program elements:

28 (1) Administration.

29 (2) Program development.

30 (3) Maintenance.

31 (4) State highway operation and protection.

32 (5) Local assistance.

33 (6) Interregional improvements.

34 (7) Regional improvements.

35 (8) Environmental enhancement and mitigation
36 programs.

37 (c) State operations expenditure amounts of the
38 department for interregional and regional transportation
39 improvement projects shall be listed as required by
40 subdivision (b) of Section 14529 of the Government Code,

1 but those amounts other than those for the acquisition of
2 rights-of-way and construction shall not be subject to
3 allocation by the commission.

4 (d) To align the annual budget with the adopted state
5 transportation improvement program, the department
6 may submit to the Department of Finance revised capital
7 outlay support and capital outlay budget estimates as part
8 of its May revision process.

9 (e) The budget shall not include specific
10 appropriations for specific transportation improvement
11 projects, and the Legislature shall not enact legislation
12 containing specific individual transportation projects.

13 (f) The basis for defining major and minor capital
14 outlay projects shall be established by the commission.

15 (g) The Legislative Analyst shall prepare an analysis of
16 the proposed expenditures for each program element as
17 a part of the budget analysis.

18 SEC. 4. Section 215.5 of the Streets and Highways
19 Code is repealed.

20 SEC. 5. Section 215.6 of the Streets and Highways
21 Code is repealed.

